

## **REMARKS**

Claim 1 has been rejected under 35 USC 102(e) as anticipated by Yamashita et al (US 6,565,156). In the Office Action of Record it is stated that "Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita et al. Yamashita et al. shows a seatback tilt limiter (1,2) for adjustably limiting the recline of a seatback, the seatback tilt limiter comprised of a first rotator (21) with repeating periodic protrusions (23a), the first rotator having a full forward seatback upright endstop and a full recline seatback endstop (as defined by the banana slot 24), and a second rotator (11) with repeating periodic receivers (13a), the second rotator having an adjustment endstop (14), the first rotator periodic protrusions disengagably received by the second rotator receivers, wherein the first rotator is free to rotate between the full forward seatback upright endstop and the full recline seatback endstop when the protrusions are disengaged and not received in the second rotator receivers and the second rotator adjustment endstop limits the rotation of the first rotator to an adjustable reclined seatback tilt limit when the protrusions are received in the second rotator receivers (see Figs. 4-7)." Applicants contend that this rejection must be withdrawn and claim 1 allowed. A full and complete reading of Yamashita et al (US 6,565,156) shows that this rejection is incorrect and is based on misstatements of fact, particularly in that member 14 of Yamashita et al (US 6,565,156) is taught as control pin 14 and is not "an adjustment endstop (14)" as alleged in this rejection. Yamashita et al (US 6,565,156) discloses in its Abstract "A ratchet gear is provided to each of a pair of arms (rotors), which are coupled through a bolt, at counter surfaces of a pair of their respective rotary portions opposing in an axial direction of the bolt serving as an axis of relative rotation, and each ratchet gear is provided with a plurality of gear teeth, while both the arms are pushed in their opposing direction by a spring, so that a relative rotating position of the arms is adjusted step by step per an angle set in accordance with the gear teeth, whereby it is possible to provide a rigid angle adjusting device that can be assembled at a low cost without increasing the size." (under line emphasis added) Additionally Yamashita

et al (US 6,565,156) states that the "present invention relates to an angle adjusting device for adjusting a tilting angle of a backrest portion of a legless chair or a foldable bed" (column 1, lines 5-7). Then Yamashita et al (US 6,565,156) teaches that the control pin 14 is provided on the ratchet gear 13 of coupling portion 11, with the control pin 14 received in slit 24 of coupling portion 21, with the control pin 14 controlling the releasing body 3. The controlling pin 14 is positioned within the cutout portion 31 of the releasing body disk 3 of the assembly such as shown in FIG.4-7, such that the control pin 14 controls the function of the releasing body disk 3 in separating the coupling portions 11, 21. The control pin 14 is just that a control pin for controlling releasing body disk 3, and does not function as an adjustment endstop (14) with a banana slot 24 as proposed in this rejection. In that this rejection is based on a misstatement of fact, it should be withdrawn. Additionally as Yamashita et al (US 6,565,156) is described above, present claim 1 is not anticipated or rendered obvious by Yamashita et al (US 6,565,156), and Applicants respectfully request allowance of claim 1.

Claims 10, 13, 39 have been rejected under 35 USC 103(a) as being unpatentable over Yamashita et al (US 6,565,156). The rejection states that Yamashita et al (US 6,565,156) shows all of the teachings of the claimed invention and that consequently the method steps would be incorporated within the use of the invention as taught by Yamashita et al (US 6,565,156). As argued above, the teachings of Yamashita et al (US 6,565,156) do not show the teachings of the presently claimed invention, and thus this 35 USC 103(a) rejection should similarly be withdrawn, in that the control pin 14 controls the releasing body disk 3 and does not function as an adjustment endstop (14) with the banana slot 24. Additionally Applicants have amended the claims as shown to distinctly claim the flexible tilting recline seatback tilt limiter which provides the adjustable reclined seatback tilt limit stopping of the flexible tilting recline motion of the seatback. Applicants respectfully request withdraw of this rejection and allowance of claims 10, 13, 39.

Applicants respectfully request a Notice of Allowance for the pending claims.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 12-2143. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments regarding this application to Deposit Account No. 12-2143.

Respectfully submitted,

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